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CONSTITUTION

OF THE

STATE OF WEST TEXAS.

We, the people of West Texas, acknowledging with gratitude the grace of God in permitting us to make choice of our form of Government, do ordain and establish this Constitution :

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare :

SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit ; and the people of this State have at all times the unalienable right to alter or reform their form of government, in such manner as they may think expedient, subject to the Constitution and Laws of the United States.

SEC. 2. All freemen, when they form a social compact, have equal rights ; and no man, or set of men, is entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

SEC. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences ; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent ; no human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion ; and no preference shall ever be given by law to any religious societies or

mode of worship. The Legislature shall pass laws to protect all persons in the peaceable enjoyment of their mode of worship, free from all disturbances whatever, but shall make no laws prescribing a special observance of any religious days or customs.

SEC. 5. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or men, in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel, or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor; and no person shall be holden to answer for any criminal charge, but on presentment or information, except in cases of offences against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident; but this provision shall not be so construed as to prohibit bail after presentment or information, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of the writ of *habeas corpus*, returnable in the county where the offence is committed.

SEC. 10. The privileges of the writ of *habeas corpus* shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb, nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every person shall have the right to keep and bear arms, in the lawful defence of himself or the government, under such regulations as the Legislature may prescribe.

SEC. 14. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligations of contracts, shall be made, and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person, nor shall any law be passed depriving a party of any remedy for the enforcement of a contract which existed when the contract was made.

SEC. 15. No person shall ever be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed—nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

SEC. 20. No power of suspending laws in this State shall be exercised, except by the Legislature, or its authority.

SEC. 21. The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor be exempted from any burden, or duty, on account of race, color, or previous condition.

SEC. 22. Importations of persons "under the name of coolies," or any other name or designation, or the adoption of any system of "peonage," whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized, or tolerated by the laws of this State, and neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall ever exist in this State.

SEC. 23. To guard against transgressions of the high powers herein delegated, we declare that every thing in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void; and we declare that the powers herein granted to the different departments of the government of this State are based upon the equality, in civil and political rights, of all human beings within the jurisdiction of this State; and should any department (either executive, legislative or judicial) attempt, in any manner, to deprive any person or persons of their herein guaranteed civil and political rights, such attempts shall be considered as a violation of the compact under which this State entered the Union.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

SEC. 1. The powers of the Government of the State of West Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy—to wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 1. Every male person who shall have attained the age of twenty-one years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of West Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county, in which he offers to vote, and is duly registered, (Indians not taxed, excepted,) shall be deemed a qualified elector: and should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer, provided that the qualified electors shall be permitted to vote anywhere in the State for State officers, and provided, further, that no soldier, seaman, or marine in the Army or Navy of the United States, shall be entitled to vote at any election created by this Constitution; pro-

vided, further, that the residence within the limits of the old State of Texas, of persons who, within six months from the acceptance of this Constitution by the United States Congress, may remove into this State, shall be counted in estimating the residence required previous to voting.

SEC. 2. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 3. The Legislative powers of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of West Texas." The style of all the laws shall be, "Be it enacted by the Legislature of the State of West Texas."

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law.

SEC. 5. No person shall be a Representative, unless he be a citizen of the United States, a resident of the county or district from which he may be chosen, for the last year previous to his election, and a qualified elector at the time of his election.

SEC. 6. All elections by the people shall be held at such time and places, in the several counties, cities or towns, as are now, or may hereafter be designated by law.

SEC. 7. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes, as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

SEC. 8. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

SEC. 9. When a Senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

SEC. 10. No person shall be a Senator, unless at the time of his election he shall be a citizen of the United States; shall have attained the age of twenty-five years; shall have resided in the district from which he may be chosen for one year immediately preceding his election, and shall be a qualified voter of the State.

SEC. 11. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President of the Senate and its other officers. In case of absence or inability to serve, for any cause whatever, of the President of the Senate or the Speaker of the House of Representatives, a President of the Senate, for the time being, or a Speaker *pro tem.* of the House, may be chosen by their respective bodies. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law: two-thirds of each House shall constitute a quorum to do business. but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

SEC. 12. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two thirds, expel a member, but not a second time for the same offence.

SEC. 13. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

SEC. 14. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

SEC. 15. Senators and Representatives shall, in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such member may reside from the place at which the Legislature is convened.

SEC. 16. Each House may punish, by imprisonment, during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings: provided such imprisonment shall not at any one time exceed forty eight hours.

SEC. 17. Neither House shall hold secret sessions, except the Senate, when acting on appointments.

SEC. 18. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SEC. 19. Bills may originate in either House, and be amended, altered, or rejected by the other; but no bill shall have the force

of a law, until on three several days it be read in each House, and free discussion be allowed thereon, unless, in case of great emergency, four-fifths of the House in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SEC. 20. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

SEC. 21. Each member of the Legislature shall receive from the public Treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the Legislature at which such increase shall be made.

SEC. 22. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emolument of which may have been increased during such term: the President of the Senate and the Speaker of the House of Representatives shall be elected from their respective bodies.

SEC. 23. No Judge of any Court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff, or Collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature; nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit, under this State: provided, that officers of militia, to which there is attached no annual salary, the office of Notary Public, or the office of Justice of the Peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if it be so provided by the Legislature.

SEC. 24. No person who at any time may have been a Collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

SEC. 25. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 26. The Legislature shall cause an enumeration to be made every ten years, commencing on the sixth day of February, 1875, of all the inhabitants (including Indians taxed) of the State, designating particularly the number of registered voters,

and the age, sex and color of all, (herein following the classification of the United States census,) and the whole number of Representatives shall, at the next session after the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, according to the number of population in each. The number of Representatives shall at present be fixed at twenty-six, and when the population of the State may exceed the number of two hundred and sixty thousand persons, then one additional Representative for each ten thousand of such excess of population shall be added; Provided, that the whole number of Representatives shall never exceed forty-two.

SEC. 27. Until changed by law, the apportionment of Senators and Representatives shall remain as fixed by the Ordinance attached to this Constitution.

SEC. 28. The number of Senators shall at present be fixed at thirteen; and when the population of the State may exceed the number of two hundred and sixty thousand persons then one additional Senator for each twenty thousand of such excess of population shall be added; Provided, that the whole number of Senators shall never exceed twenty-one.

SEC. 29. The first session of the Legislature, after the acceptance of this Constitution by the Congress of the United States, shall be held at the city of San Antonio, Bexar county, and thereafter until the year 1871, after which year the seat of government shall be permanently located by a vote of the people.

SEC. 30. The members of the Legislature shall receive from the Treasury of the State, as their compensation, (until changed by law,) the sum of five hundred dollars each, annually, and the members acting as President of the Senate or Speaker of the House of Representatives, shall receive double this compensation. The members shall also receive (until changed by law) the sum of eight dollars for each twenty-five miles traveled in going to and returning from the seat of government.

SEC. 31. In order to settle permanently the seat of government, an election shall be holden throughout the State at the usual places of holding elections, at the first general election after the year (1871) one thousand eight hundred and seventy-one, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government; the returns of said election to be transmitted to the Governor with the other returns of that election. If either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government. But in case neither place voted for shall have the

majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be holden in the same manner at the next following general election, between the two places having the highest number of votes at the first election. This election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the permanent seat of government.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which in civil causes shall be co-extensive with the limits of the State. In criminal causes no appeal shall be allowed to the Supreme Court, unless some Judge thereof shall, upon inspecting a transcript of the record sent up under such regulations as may be prescribed by law, believe that some error of law has been committed by the Judge before whom the cause was tried. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court and the Judges thereof shall have power to issue the writ of *habeas corpus*, and, under such regulations as may be prescribed by law, may issue the writ of *mandamus*, and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The Supreme Court shall hold a session at the seat of government annually, between the months of October and June, and shall appoint its own Clerks, who shall hold their offices for four years, and be subject to removal by said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SEC. 5. The Judges of the Supreme Court shall hold their offices for the term of twelve years, and the Judges of the District Court for eight years. The terms of the Supreme Judges shall be so arranged that the office of one shall become vacant at

the end of every four years, and when, by death, resignation or other cause than expiration of term, a vacancy occurs, the appointment to the same shall be for the unexpired term. The Judges of the Supreme Court and District Courts, the Attorney General and District Attorneys, shall be appointed by the Governor, by and with the advice and consent of the Senate; Provided, that at the first general election after the year one thousand eight hundred and eighty, (1880,) the question shall be submitted to vote, whether these officers shall thereafter be elected by the people. *

SEC. 6. The State shall be divided into convenient judicial districts. For each district there shall be chosen a Judge who shall reside in the same, and hold the Courts at one place in each county, and at least three times in each year, in such manner as may be prescribed by law.

SEC. 7. The Judges of the Supreme Court shall receive a salary of four thousand dollars annually, and the Judges of the District Court a salary of three thousand dollars annually, and the salaries of the Judges shall not be diminished during their continuance in office.

SEC. 8. The Judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause; Provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass: And in all such cases, the vote shall be taken by yeas and nays, and entered on the journals of each House respectively.

SEC. 9. All Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of West Texas." All prosecutions shall be carried on in the name and by the authority of the "State of West Texas," and conclude, "Against the peace and dignity of the State."

SEC. 10. The District Court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints, and pleas

whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to one hundred dollars, exclusive of interest; and the said Courts and the Judges thereof shall have power to issue all writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior Courts, with such exceptions and under such regulations as the Legislature may prescribe. And the District Court shall also have original and exclusive jurisdiction for the probate of wills, for the appointing of guardians, for the granting of letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind; and for the settlement, partition, and distribution of such estates, under such rules and regulations as may be prescribed by law.

SECT. 11. There shall be a Clerk of the District Court for each County, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury and conviction by a petit jury. In case of vacancy, the Judge of the district shall have the power to appoint a Clerk, until the next general election. The said clerk shall exercise such powers and perform such duties appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind, in vacation, as may be prescribed by law. Provided that all contested issues of law or fact, shall be determined by the District Court.

By virtue of his office the District Clerk shall have control of all records, papers, and books of the District Court.

SEC. 12. There shall be chosen an Attorney General for the State, and a District Attorney for each Judicial District, who shall hold their offices for four years. The duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law.

SEC. 13. There shall be elected in each county by the qualified voters of the different precincts thereof, as may be directed by law, at least five Justices of the Peace, one of whom shall reside, after the election, at the county seat, and not more than one of said Justices shall be a resident of the same justice's precinct. They shall hold their offices for four years, and should a vacancy occur in either of said offices, an election shall be held for the

unexpired term. They shall have such civil and criminal jurisdiction as shall be provided by law. And the Justices of the Peace in each county, or a majority of them, shall constitute a Court, to be called the "County Court," having such jurisdiction similar to that heretofore exercised by County Commissioners and Police Courts, as may be prescribed by law. And when sitting as such Court, they shall from among themselves choose their presiding officer. The times and manner of holding said Courts shall be prescribed by law. Justices of the Peace shall also be commissioned to act as Notaries Public. They shall also discharge all the duties of Coroner, and they shall have such fees and emoluments as may be fixed by law.

SEC. 14. The Justices of the Peace in each county, sitting as a County Court, shall appoint one Constable for each Justices' Precinct, who shall hold his office for four years, subject to removal by said Court for cause spread upon the minutes of the Court. And said Constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of Sheriff in all cases where the Sheriff is disqualified or prevented from acting, or where the law may so provide.

SEC. 15. One Sheriff for each county shall be elected by the qualified voters thereof, who shall hold his office for four years, subject to removal on information, or presentment, and conviction by a petit jury. Process against the Sheriff, and all such writs as by reason of interest in the suit, or connection with the parties, or for other cause, the Sheriff is incompetent to execute, shall issue to and be executed by any Constable in the County. In case of vacancy in the office of Sheriff, the same may be filled by appointment of the Governor, until the next general election.

SEC. 16. There shall be a clerk elected by the voters of each county, who shall hold his office for four years.. He shall attend upon and keep the records of the County Court, and shall act as recorder of instruments of writing for his county. He shall keep his office at the county seat, and shall perform such other duties and receive such fees and emoluments as may be fixed by law. He shall also be commissioned as a Notary Public. In case of vacancy in the office of County Clerk, the County Court may choose a person to fill the same until the regular election for this office.

• SEC. 17. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Supreme Court or any two of its members

shall be thus disqualified to hear and determine any cause or causes in said Court, or when no judgment can be rendered in any case or cases in said Court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the Judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law, and the Governor may in such case appoint some person learned in the law, to try the case or cases whenever the Judge of the Court is disqualified, and the person so appointed shall receive such compensation as may be given by law.—The disqualification of Judges of inferior tribunals shall be remedied as may hereafter be by law prescribed.

SEC. 18. In the trial of all causes in the District Court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

SEC. 19. In all cases arising out of a contract, before any inferior tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 20. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment, (except in cases of contempt,) the accused shall have the right of trial by jury.

SEC. 21. In case of incompetency or improper conduct on the part of a clerk of the District Court, or a Sheriff, such officer may be removed by the Governor, on recommendation of the District Judge, and in case this remedy is applied, the place of the officer removed shall be filled by appointment of the Governor, until the next general election.

SEC. 22. Capital offences shall be punished by imprisonment to hard labor for life, and every offense that may by law be punished by imprisonment in the State Penitentiary, shall be deemed a felony, but all offenses of a less grade than a felony, may be prosecuted upon complaint under oath, by any peace officer or citizen before any Justice of the Peace, or other inferior tribunal that may be established by law, and the party so prosecuted shall

have the right of trial by a jury, to be summoned in such manner as may be prescribed by law.

SEC. 23. The Grand Jury system is hereby dispensed with in this State. The prosecution of offences in this State shall be by information or presentment of the District Attorney or Attorney General. The filing before any competent officer of an affidavit charging an offense, shall be sufficient to authorize and require an information or presentment before the proper tribunal. To the District Attorney or Attorney General is given the same authority heretofore exercised by Grand Juries, and these officers are required to institute examinations in regard to any offences that may be brought to their notice. For the institution of prosecutions for offences less than felony, the Legislature may authorize some more simple proceeding. The Legislature shall provide all needful regulations for carrying out the spirit and intent of this and the last preceding section: provided, that if the dispensing with the Grand Jury system shall be found inconvenient, the Legislature may, after five years from the acceptance of this Constitution by the United States Congress, re-establish that system.

SEC. 24. In all trials by Jury, the agreement of three-fourths of the Jurymen shall be sufficient to find a verdict.

SEC. 25. In all civil suits within this State, interest in the result of any suit, on the part of the person offering to testify therein, shall not be deemed a valid objection to his testimony, but the same shall go to the Court or Jury, and be weighed and considered.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of West Texas.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them, in presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to

be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the regular time of installation, and until his successor shall be duly qualified, but shall not be eligible for more than eight years in any term of twelve years; he shall be at least twenty-five years of age, shall be a citizen of the United States, a qualified voter of the State of West Texas, and (after the first election) shall have resided in this State three years immediately preceding his election.

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected. The first Governor shall receive an annual salary of four thousand dollars, and no more.

SEC. 6. He shall be Commander-in-Chief of the Militia of the State, except when they are called into the actual service of the United States; and shall have control and management of the police force of the State, for the purpose of suppressing disorder and maintaining the laws.

SEC. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of Government; but if the prevalence of dangerous disease, or the presence of the public enemy there shall render it necessary, then at any other place within the State he may deem expedient. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

SEC. 9. He shall, from time to time, give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeach-

ment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve or pardon, the Governor shall file in the office of the Secretary of State his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the Legislature shall be made by the Governor during the first ten days of its session. And should any such nomination be rejected, the same person shall not again be nominated during the session, to fill the same office. Should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor, until the next meeting of the Senate.

SEC. 13. During the sessions of the Legislature, the Governor and heads of Departments shall be present where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 14. No person, holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 15. All commissions shall be in the name and by the authority of the State of West Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State:

SEC. 16. There shall be a Secretary of State, appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 17. Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove, he shall return it, with his objections, to that House in which it originated; which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it

shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation, and disapprove any other appropriation, in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objection, to the House in which it originated; and the same proceedings shall be had on that part disapproved as on other bills disapproved by him; but if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 18. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or being disapproved, shall be repassed in the manner prescribed in the case of a bill.

SEC. 19. There shall be a Comptroller of Public Accounts, and a Treasurer of the State, who shall be elected by the qualified voters at the same time and in the same manner as the Governor is elected. These officers shall hold their offices for the term of four years, and shall perform such duties as may be prescribed by law. In case of vacancy in either of these offices it shall be filled by appointment by the Governor until the next general election.

SEC. 20. Until otherwise established by law, the salaries of the Comptroller and Treasurer of the State shall be twenty-five hundred dollars annually; the salary of Secretary of State shall be fifteen hundred dollars annually; the salary of Attorney General shall be two thousand dollars annually; the salaries of the District Attorneys shall be one thousand dollars annually. The Attorney General and District Attorneys shall have in addition such fees as may be fixed by law.

SEC. 21. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment, or absence from the State, the President of the Senate shall exercise the powers and authority appertaining to the office

of Governor, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent, or disabled, shall be acquitted, return, or his disability be removed. Whenever the government shall be administered by the President of the Senate, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the President of the Senate shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the Speaker of the House of Representatives, for the time being, shall in like manner administer the government until he shall be superseded by a Governor elected by the people, or by the President of the Senate. The President of the Senate or the Speaker of the House, while he acts as such, shall receive for his services the compensation given by law to that office, and no more; and during the time he administers the government, as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The Legislature shall provide who shall administer the government in case of vacancy, at the same time in the offices of Governor, President of the Senate and Speaker of the House of Representatives.

SEC. 22. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially.

ARTICLE VI.

MILITIA.

SEC. 1. The Legislature shall provide by law for organizing and disciplining the Militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States in relation thereto: Provided that no other than registered voters shall be enrolled as militia, and that the officers of the Militia shall be required in addition to the usual oath of office to take an oath that they have never aided or abetted any rebellion or insurrection against the United States.

SEC. 2. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasions.

ARTICLE VII.

GENERAL PROVISIONS.

SEC. 1. The boundaries of the State of West Texas are hereby defined as commencing at a point in the Gulf of Mexico, three miles from the shore opposite the middle of the main channel of Pass Caballo, thence up the middle of said channel and of Matagorda Bay to the mouth of Colorado River, thence up the middle of the main channel of said river, with its meanders to the point where said river is intersected by the thirty-second parallel of North latitude, thence along said parallel to a point _____ miles west from said river, thence in a straight line to the junction of the Pecos river and Rio Grande, thence down the main channel of the Rio Grande, with its meanders, to the Gulf of Mexico, thence along parallel to the shore of the Gulf of Mexico, three miles from the land to the place of beginning.

SEC. 2. The Constitution and laws of the United States of America, and the treaties and laws of the United States, made in pursuance of said Constitution, are the supreme law of this State. The laws enacted by the Legislature of the State of Texas, previous to the twenty-eighth day of January, eighteen hundred and sixty-one, where the same are not in conflict with the Constitution and laws of the United States, and are not changed by this Constitution, shall remain the law of this State until repealed or amended by the Legislature of the same; Provided that all laws or parts of laws which were enacted for the purpose of protecting or sustaining the institution of slavery, or which recognize any distinction among human beings in regard to their civil or political privileges, rights, and duties, are to be considered as null and void, and of no binding force.

SEC. 3. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation:—"I, [A. B.] do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all duties incumbent on me as _____, according to the best of my skill and ability, and that I will support the Constitution and laws of the United States and of this State. And I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any person with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons, or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not

disqualified from holding office under the 14th amendment to the Constitution of the United States, (or as the case may be, my disability to hold office under the 14th amendment to the Constitution of the United States, has been removed by act of Congress,) and further, that I am a qualified elector in this State.

SEC. 4. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 5. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 6. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 7. In all elections by the people the vote shall be by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers. In selecting all officers within this State, a plurality of votes shall elect.

SEC. 8. The Legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 9. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal im-

provement, shall be made without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 10. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein as may be required by law.

SEC. 11. The duration of all offices not fixed by this Constitution, shall never exceed four years.

SEC. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

SEC. 13. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.

SEC. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

SEC. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 16. Within five years after the acceptance of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged, and published, in such manner as the Legislature shall direct; and a like revision, digest, and publication, shall be made every ten years thereafter.

SEC. 17. No lottery shall be authorized by this State; and the buying or selling of lottery tickets within this State is prohibited.

SEC. 18. No divorce shall be granted by the Legislature.

SEC. 19. All property, both real and personal of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, and the increase of such property, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property. And married women, infants and insane persons shall not be barred of their rights of property by

adverse possession or law of limitation of less than seven years from and after the removal of each and all of their respective legal disabilities.

SEC. 20. The Legislature shall have power, and it shall be their duty to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land (not included in a city, town or village,) or, any city, town or village, lot or lots, not to exceed in value in either case the sum of three thousand dollars at the time of their destination as a homestead, shall not be subject to forced sale for debts, except they be for the purchase money thereof, for the taxes assessed thereon, or for labor and materials expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law. Provided that this exemption shall not take effect against debts in existence at the time of the destination of the homestead.

SEC. 21. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

SEC. 22. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 23. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

SEC. 24. Taxation shall be equal and uniform throughout the State.—All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation shall not be construed to apply to pursuits, either agricultural or mechanical.

SEC. 25. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 26. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 27. Provisions shall be made by the first Legislature for the condemnation and sale of all lands for taxes due thereon, and every five years thereafter, of all lands the taxes upon which have not been paid to that date.

SEC. 28. It shall be the duty of the Legislature to provide by law, that in all cases where State or county debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal; and all such laws shall be irrepealable until principal and interest are fully paid.

SEC. 29. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges. The Legislature shall prohibit by law individuals from issuing bills, checks, promisory notes, or other paper to circulate as money.

SEC. 30. The Legislature shall have the power to enact general charters, or acts of incorporation only. Two-thirds of the Legislature shall have power to revoke and repeal all private corporations by making compensation, if any in fact be due, for the franchise. The State shall not be partowner of the stock or property belonging to any corporation. No special charter shall hereafter be created, amended, renewed, or extended by the Legislature.

SEC. 31. The Legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken until entitled by numbers to the right of separate representation. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein, nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors, and in all cases where from the want of qualified jurors, or other cause, the courts cannot properly be held in any county, it shall be the duty of the District Judge to certify such fact to the Governor, and the Governor shall, by proclamation, attach such county for judicial purposes to that county, the county seat of which is nearest the county seat of the county so to be attached.

SEC. 32. An Assessor and Collector of Taxes shall be elected by the people of each Senatorial District, under such regulations as the Legislature may direct. These officers shall be subject to the supervision and control of the Comptroller, and may be re-

moved by him for incompetency, or improper conduct. They may assess and collect county taxes until otherwise ordered by the Legislature; and the Legislature may separate these two offices in any one or all of the Districts. They shall hold their offices for four years. In case of vacancy in this office, the same may be filled by appointment of the Governor, on recommendation of the Comptroller, until the next general election.

SEC. 33. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual, without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. 34. All sales of landed property, made under decrees of Courts in this State, shall be offered to bidders in lots of not less than ten, nor more than forty acres, except in towns and cities, including sales for taxes.

SEC. 35. The Legislature shall pass appropriate laws to compel the maintenance and education of illegitimate children.

SEC. 36. Each county in the State shall provide, in such manner as may be prescribed by law, a Manual Labor Poor House, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants; and under such regulations as the Legislature may direct, all persons committing petty offences in the county, may be committed to such Manual Labor Poor House for correction and employment.

SEC. 37. All persons who, at anytime heretofore, lived together as husband and wife, and were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such co-habitation shall be deemed legitimate. And all such persons as may be now living together in such relation, shall be considered as having been legally married, and the children heretofore, or hereafter, born of such co-habitation, shall be deemed legitimate.

SEC. 38. Provisions shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of this State.

SEC. 39. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SEC. 40. The County Courts of the several counties in this State, shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties, to assess and provide for the collection of a tax upon the taxable property, to aid in the

construction of Internal Improvements, provided that said tax shall never exceed two per cent. upon the value of such property.

SEC. 41. All civil officers of this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

Sec. 42. The Accounting Officers of this State shall neither draw nor pay a warrant upon the Treasury, in favor of any person, for salary or compensation, as agent, officer or appointee, who holds, at the same time, any other office or position of honor, trust or profit, under the State or the United States, except as permitted in this Constitution.

SEC. 43. Every person, corporation, or company, that may commit a homicide through wilful act, or omission, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, separately or jointly, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 44. The Legislature may prohibit the sale of all intoxicating or spiritous liquors in the immediate vicinity of any College or Seminary of learning; provided, said College or Seminary be located other than at a County seat or at the State Capital.

SEC. 45. The Legislature may pass protective laws, securing mechanics, artizans and laborers in the enjoyment of the fruits of their labor.

SEC. 46. Any loyal persons, or his heirs, or legal representatives, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise, or annul any decree or judgment rendered since the 28th day of January, (1861,) eighteen hundred and sixty one, when, through fraud practiced, or threats or violence used toward such person, no adequate consideration for the contract has been received, or where, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair or impartial.

SEC. 47. All persons offering themselves as security or bail for another, in any of the courts or offices of this State, shall append to their bond, or accompany their recognizance, with an affidavit, setting forth a description of their property, (or of sufficient of their property, to cover the amount for which they bind themselves,) and its value, and all encumbrances thereon, of every nature.

SEC. 48. The Legislature is authorized to provide reasonable laws of limitation, of civil and criminal actions, but these limitations in civil actions, must not be fixed at terms so short as to operate a deprivation of remedy, or encouragement of fraud.

SEC. 49. The Statutes of limitation of civil suits were suspended by the so-called act of Secession, of the 28th of January, 1861, and shall be considered as suspended within this State, until the acceptance of this Constitution by the United States Congress.

SEC. 50. All Usury laws are abolished in this State, and the Legislature is forbidden from making laws limiting the parties to contracts, in the amount of interest they may agree upon for loans of money, or other property; provided, this section is not intended to change the provisions of law, fixing rate of interest in contracts, where the rate of interest is not specified.

SEC. 51. The Legislature may pass suitable laws regulating mines and minerals, and securing to the discoverer and *bona fide* miner, the right to work mines on either private or public lands.

SEC. 52. The people of this State, being largely engaged in the business of grazing, the Legislature is directed to provide for the protection and development of the stock-raising interest. Provisions shall be made for the inspection of animals and hides sold within the State.

SEC. 53. The term "general election," as used in this Constitution, means any election for officers of the State, or of counties generally. The term "regular election," means the next election for the particular office, at the expiration of the proper term thereof. The term "legislature," when applied to a period of time, means the duration of the term of office of members of the House of Representatives.

SEC. 54. The separate ordinances accompanying this Constitution, apportioning Representatives and Senators, giving State aid to certain lines of Railroads, ordering elections, and defining the Judicial Districts, shall be considered as part of this Constitution, until changed by law.

MODE OF AMENDING THE CONSTITUTION.

SEC. 55. The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution: which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election of Representatives, for the consideration of the people, and it shall be the duty of the several returning officers, at the next general election which shall be thus holden, to

open a poll for, and make a return to the Secretary of State, of the names of all those voting for Representatives, who have voted on such proposed amendments, and, if thereupon it shall appear that a majority of those voting upon the proposed amendments, have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature, shall, after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this Constitution; Provided, that the said proposed amendments, shall, at each of the said sessions, have been read on three several days, in each House.

ARTICLE VIII.

REGISTRATION OF VOTERS.

SECTION 1. All male persons of the legal age, who have resided in this State for the length of time required by law, and who are citizens of the United States, or have declared their intention to become such, shall be entitled to register as voters, except those embraced under the following heads:

Head 1. All persons, who during the late rebellion against the United States Government, voluntarily aided or abetted the said rebellion in any manner, are prohibited from registry. Persons will not be considered as having voluntarily aided said rebellion, who throughout the rebellion disapproved of the same, but accepted office under the rebel government, or entered into the military force thereof, through compulsion, or for self-protection, or as a means of protecting their loyal friends. And all persons who abandoned the rebel service, and joined the United States forces at any time before the close of the rebellion, shall be authorized to register (if otherwise qualified) without regard to what may have been their motive in entering such rebel service.

Head 2. All persons who are disfranchised for crime or for rebellion, under the laws of the United States, or of any State thereof, are prohibited from registry.

Head 3. All editors of newspapers, or ministers of the Gospel, who approved of, or aided the said rebellion, by writing, preaching, speaking or publishing their views in favor thereof, are prohibited from registry.

Head 4. All persons who, during the late rebellion, voluntarily aided, abetted, or encouraged in any manner, unlawful violence against, or maltreatment of any citizen, soldier or seaman of, or resident within the United States, are prohibited from registry; Provided that it is not intended under this head to

exclude those persons, who, (though serving in the rebel military force) carried on warfare according to the rules of civilized nations, unless such persons are excluded under some other head of this section.

Head 5. All persons who since the close of the said rebellion have continued as members of, or have become members of any secret organization designed in hostility to the United States, or the loyal people thereof, and known as "Sons of the South," or "Ku Klux Klan," or by any other name, are prohibited from registry; Provided, however, that all persons who are registered as voters under the reconstruction acts of Congress previous to voting on this Constitution, and who may vote for the adoption thereof, when the same is submitted to the people, shall be entitled to register (if otherwise qualified) though they may be excluded under the terms of any one of the foregoing heads.

SEC. 2. The following oath or affirmation shall be taken by all persons offering to register as voters: "I, [A. B.] do solemnly swear in the presence of Almighty God, (or affirm) that I am a citizen of the United States, (or that I have declared my intention in the manner prescribed by law, to become a citizen of the United States) that I have resided in this State and county the length of time previous to registry, required by the Constitution of this State. That I am not disfranchised, or excluded from the right to register as a voter, by reason of disqualification under the provisions of any of the heads of section 1st of this article, of the Constitution of this State, (or, that I, though excluded from registry under the terms of section 1st of this article of the Constitution of this State, did, at the election held on the question of the adoption of this Constitution, vote for the adoption of the same, I being at the time a registered voter under the reconstruction acts of Congress.) And I further swear (or affirm,) that I will faithfully support the Constitution and obey the laws of the United States and of this State, and will, to the best of my ability, encourage others so to do, and that I am in favor of equal civil and political rights for all human beings. So help me God."

SEC. 3. The County Court of each county shall be the Board of Registry of the county, and shall sit for this purpose at such times as the Legislature may direct. The County Clerk shall keep a public registry of the voters, setting forth briefly the grounds of admission or rejection of the applicant for registry; and shall also keep a record of the oath (or affirmation) made by each registered voter. The County Clerk and the County Court shall receive such compensation for their services in this respect as may be fixed by law.

SEC. 4. No person shall be authorized to vote at any election, unless he shall have registered as a voter at least thirty days previous to such election. All persons falsely taking the oath required under section 2nd of this article, shall be liable to prosecution for perjury, and the statute of limitations shall not be considered as interposing a bar to prosecutions under this section. The Boards of Registry are required to scrutinize closely the claims of persons offering to register, and no person shall be registered, who, after examination had, is, in the opinion of the Board disqualified, though such person may offer to take the required oath.

SEC. 5. The Legislature is required to pass all laws and regulations that may be found necessary to the carrying out of the spirit and intent of this article. The Legislature may also provide some mode and tribunal of appeal from the decisions of the Boards of Registry.

SEC. 6. The Legislature may by a vote of two-thirds of each house, relieve, by name, persons who are excluded from registry under the provisions of this article; Provided, however, that no person, who ever held any office under the United States, or any State thereof, and afterwards engaged voluntarily in insurrection or rebellion against the United States, or gave aid or comfort to the enemies thereof with intent to destroy the same, shall ever be permitted by the Legislature to register as voters, unless their disabilities have first been removed by Congress.

ARTICLE IX.

LAND OFFICE AND LANDS.

SEC. 1. There shall be one General Land Office in the State, which shall be at the Seat of Government, where all titles, which have heretofore emanated from the Government formerly exercising lawful jurisdiction over the territory of this State, or may hereafter emanate from this Government, shall be registered; and the Legislature may establish from time to time, such subordinate offices as they may deem requisite. Where original titles cannot be had, the Legislature may provide for the registry of copies proved, in such manner as the law may direct.

SEC. 2. The Legislature shall provide rules for ascertaining the genuineness of land certificates and titles to lands issued by the State of Texas, previous to the separation of this State, and owned or located within this State, and in relation thereto, the Legislature may enter into such arrangements with the other State, or States, within the limits of the former State of Texas, as may be just and proper. The Land Certificates, or Scrip, is-

sued by the (so-called) authorities of the State of Texas during the late rebellion, are declared null and void; Provided, that where any of these Certificates, or Scrip, are now owned in quantities of six hundred and forty acres or less, by any actual settler on the public lands of this State, the same shall be considered valid. .

SEC. 3. Immigrants to this State, from Europe and elsewhere, as well as residents of this State, who may settle on any part of the public lands of this State, shall be entitled to a portion of such land, as follows: Every head of a family, whether male or female, shall have one hundred and sixty acres; and every male person over the age of eighteen years, shall have eighty acres of the public lands. The only conditions attached to this donation, shall be, that each applicant for the same shall pay all expenses of survey thereof, and make such proof as the Legislature may require, that he or she has resided on the land to be donated, for three years preceding the issuance of the patent.

ARTICLE X.

IMMIGRATION.

SEC. 1. There shall be a Bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with Immigration. The head of this Bureau shall be styled the "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for four years, and (until otherwise fixed by law) shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties connected with immigration, as may be given by law.

SEC. 2. The Legislature shall have power to appropriate part of the ordinary revenue of the State, for the purpose of promoting and protecting Immigration. Such appropriation shall be devoted to defraying the expenses of this Bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment, in part, or in toto, of the passage of immigrants from Europe to this State, and their transportation within this State.

ARTICLE XI.

IMPEACHMENT.

SEC. 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Attorney-General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

SEC. 3. Impeachment of Judges of the Supreme Court, shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State; but the parties convicted, shall nevertheless, be subject to indictment, trial, and punishment, according to law.

SEC. 5. All officers, against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment.—The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

ARTICLE XII.

PUBLIC SCHOOLS.

SEC. 1. It shall be the duty of the Legislature of this State, to make suitable provisions for the support and maintenance of a system of Public Free Schools, for the gratuitous instruction of all the inhabitants of this State, between the ages of six and eighteen years.

SEC. 2. There shall be a Superintendent of Public Instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superintendent shall hold his office for the term of four years.—He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SEC. 3. The Superintendent shall have the supervision of the Public Free Schools of the State, and shall perform such other duties concerning public instruction, as the Legislature may direct. The Legislature may lay off the State into convenient School Districts, and provide for the formation of a Board of School Directors in each district. It may give the District Boards such Legislative powers in regard to the Schools, School Houses, and School Fund of the District, as may be deemed

necessary and proper. It shall be the duty of the Superintendent of Public Instruction, to recommend to the Legislature, such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the Free Schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to Public Schools.

SEC. 4. The Superintendent shall establish a uniform system of Public Free Schools throughout the State.

SEC. 5. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the Public Free Schools of the State, of all the Scholastic population thereof, for the period of at least four months of each and every year; Provided, that when any of the Scholastic inhabitants may be shown to have received regular instruction for said period of time in each and every year from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SEC. 6. As a basis for the establishment and endowment of said Public Free Schools, all the funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of Public Schools, shall constitute the Public School Fund. And all sums of money that may come to this State, hereafter, from the sale of any portion of the public domain of the former State of Texas, shall also constitute a part of the Public School Fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State, to such Public School Fund. And said Fund, and the income derived therefrom, shall be a perpetual fund, to be applied as needed, exclusively for the education of all the scholastic inhabitants of this State, and no law shall ever be made appropriating such fund, for any other use or purpose whatever.

SEC. 7. The Legislature, shall, if necessary, in addition to the income derived from the Public School Fund, provide for the raising of such amount, by taxation in the several School Districts in the State, as will be necessary to provide the necessary School houses in each District, and insure the education of all the scholastic inhabitants of the several districts.

SEC. 8. The Public Lands heretofore given to counties, shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe, and in such case, the proceeds of the same shall be added to the Public School Fund.

SEC. 9. The Legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it that all the children in the State, within the scholastic age, are without delay, provided with ample means of education.

ARTICLE XIII.

SCHEDULE.

SEC. 1. That no inconvenience may arise from a change of Government, it is declared that all process, which shall be issued in the name of the State of Texas, prior to the organization of the State Government, under this Constitution, shall be as valid as if issued in the name of the State of West Texas.

SEC. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the State of Texas, shall not be impaired by the change of government, but may be sued for and recovered, in the name of the Governor of the State of West Texas, and all criminal prosecutions, or penal actions, which shall have arisen, prior to the organization of the State Government, under this Constitution, in any of the courts of the State of Texas, shall be prosecuted to judgment and execution in the name of this State. All suits which may be pending in any of the courts of the State of Texas, prior to the organization of this State Government, under this Constitution, shall be transferred to the proper court of this State, which shall have jurisdiction of the subject-matter thereof.

ORDINANCE,

GIVING STATE AID TO RAILROADS.

SECTION 1. The Legislature is authorized to provide for the guaranty, by the State, of the mortgage bonds, bearing seven per cent. interest, of the following Railroad lines:

1. From Columbus, via Gonzales to San Antonio, with branches to Seguin and Hallettsville.
2. From Lavaca via Texana to Wharton.

3. From Victoria to San Antonio, and thence via Fredericksburg and Fort Mason, in a northwesterly direction, to the northwest frontier of this State.

4. Railroad line diagonally across the State, from northeast to southwest, being intended as a link in the International Railroad through Mexico to the Pacific.

5. From Victoria to Goliad.

6. From Corpus Christi, to some point east of the Rio Grande, to tap the International Railroad.

7. From Brownsville to Point Isabelle.

8. From San Antonio, via New Braunfels, to the Colorado river, opposite Austin; Provided, that if the International Railroad takes this route, then this line is dispensed with.

SEC. 2. The Railroads contemplated under this ordinance, shall be constructed over the shortest feasible routes, between the termini herein provided for. They shall be constructed and supplied with rolling stock in the completest and best manner, and according to the requirements of the best railroads in the United States.

SEC. 3. The bonds to be guaranteed under this ordinance, shall (except as hereafter provided) be considered as second mortgage bonds on the Railroad lines to be guaranteed, and shall be for the sum of fifteen thousand dollars per mile in lawful currency of the United States. Where the bonds to be guaranteed are second mortgage bonds, the first mortgage bonds on the same lines, shall not exceed the sum of twelve thousand dollars per mile.

SEC. 4. In the event that the United States Government may propose to guarantee the mortgage bonds of the International Railroad, or other lines, or to issue their bonds for the purpose of aiding such line, or lines, then the mortgage bonds to be guaranteed by this State, shall operate as a first mortgage.

SEC. 5. Until the Railroad lines mentioned in the 1st section of this ordinance, are completed and finished, no other Railroads shall receive State aid; and further, no State aid beyond that herein provided for, shall be given by the Legislature, even after said Roads are finished, unless provision be made at the same time for the liquidation of the principal, and interest of the indebtedness thereby to be created, as required in the Constitution of this State.

SEC. 6. The Legislature shall provide all necessary rules and regulations for carrying this ordinance into effect. The Legislature shall provide for such inspection of the roads built, under this ordinance, previous to the guarantee of the bonds, as will se-

cure strict compliance with the requirements of section 2d thereof, and the building of the roads in conformity thereto.

SEC. 7. No bonds shall be guaranteed for any section of less than twenty-five miles of Railroad, built and equipped, unless the whole length of the Railroad to be built or finished, shall be less than this length.

ERRATA.

In Article I, Sec. 2, the words, "but in consideration of public services," to be omitted.

In Article I, Sec. 9, the letter "a," in the word "*habeas*," is missing.

In Article I, Sec. 22, first line, the quotation marks should only embrace the word "Coolies."

In Article I, Sec. 23, next to last line, the word "attempts" should be "attempt."

To Section 3, Article V, add, "The Governor shall be installed on the 2nd Thursday after the organization of the Houses of the Legislature."